

**Cumulative Topical Index of  
Administrative Decisions Under  
Employer Sanctions, Unfair  
Immigration-Related Employment  
Practices and Civil Penalty  
Document Fraud Laws  
of the United States**

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UNITED STATES DEPARTMENT OF JUSTICE

THE ATTORNEY GENERAL  
*John D. Ashcroft*

DIRECTOR, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
*Kevin D. Rooney*

CHIEF ADMINISTRATIVE HEARING OFFICER  
*Jack E. Perkins*



**VOLUMES 1-8**  
March 1988 to May 2000

## **THE ATTORNEY GENERAL**

Hon. John D. Ashcroft<sup>1</sup>

## **CHIEF ADMINISTRATIVE HEARING OFFICER**

Jack E. Perkins<sup>2</sup>

## **ADMINISTRATIVE LAW JUDGES**

Hon. Robert L. Barton, Jr.<sup>3</sup>  
Hon. E. Milton Frosburg<sup>4 5</sup>  
Hon. Joseph E. McGuire<sup>6</sup>  
Hon. Marvin H. Morse<sup>7</sup>  
Hon. Robert B. Schneider<sup>8</sup>  
Hon. Ellen K. Thomas<sup>9</sup>

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<sup>1</sup>Appointed February 1, 2001

<sup>2</sup>Appointed January 14, 1990

<sup>3</sup>Appointed July 9, 1995

<sup>4</sup>Appointed January 15, 1989; Retired March 1, 1994

<sup>5</sup>Temporary Appointment March 6, 1994; Resigned September 3, 1994

<sup>6</sup>Appointed July 1, 1990; Retired January 1, 2000

<sup>7</sup>Appointed August 2, 1987; Retired February 28, 2002

<sup>8</sup>Appointed August 8, 1988; Retired May 31, 1995

<sup>9</sup>Appointed October 1, 1995

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## **FOREWORD**

The Office of the Chief Administrative Hearing Officer (OCAHO) presents the Cumulative Topical Index of Administrative Decisions Under Employer Sanctions, Unfair Immigration-Related Employment Practices and Civil Penalty Document Fraud Laws of the United States. This Index covers volumes one through eight. These decisions have been selected and may be used as precedent pursuant to 5 U.S.C. § 552(a)(2). Each decision referenced herein has been given an OCAHO Reference Number for publication purposes. Volumes one through eight cover all orders published between March 1988 and May 2000.

Prior to publication in bound volume form, decisions are available on the Executive Office for Immigration Review's website at <<http://www.usdoj.gov/eoir>>. The website also contains a Cumulative Topical Index that includes decisions not yet published in bound volume form.

Jack E. Perkins  
*Chief Administrative Hearing Officer*

## CITATION OF ORDERS

### Published In Bound Volumes and at Agency Web Site \*

*Case Name*, Volume Number OCAHO no. Reference Number, Page Number (Year).

Example: *Ipina v. Mich. Jobs Comm'n*, 8 OCAHO no. 1036, 559 (1999).

Pinpoint Citation Example: *Ipina v. Mich. Jobs Comm'n*, 8 OCAHO no. 1036, 559, 574 (1999).

The “8” refers to the number of the Bound Volume in which the decision appears, the “no. 1036” is the OCAHO Reference Number for that particular decision, “559” is the page number where the decision begins, and “574” is the pinpoint citation.

### Published Only at Agency Web Site Prior to Publication in Bound Volume Form \*

*Case Name*, Volume Number no. OCAHO Reference Number (Year).

Example: *United States v. WSC Plumbing*, 8 OCAHO no. 1045 (2000).

Pinpoint Citation Example: *United States v. WSC Plumbing*, 8 OCAHO no. 1045, 7 (2000).

The “8” refers to the number of the Bound Volume in which the decision appears, the “no. 1045” is the OCAHO Reference Number for that particular decision, and the “7” is the pinpoint citation to the page number within the original issuance.

### Unpublished\*\*

*Case Name*, OCAHO Case No. (abbreviated date of ALJ decision); CAHO Action [if any] (Date of CAHO Action).

Example: *United States v. Allen Holdings, Inc.*, OCAHO Case No. 99B00037 (May 24, 2000).

### Suggested Short Citation Format

*First party name*, Volume Number OCAHO at pinpoint cite page number  
or

Volume Number OCAHO at pinpoint cite page number.

Example: *Ipina*, 8 OCAHO at 574 or 8 OCAHO at 574.

The “8” refers to the number of the Bound Volume, “574” is the pinpoint citation page number. Do not use common names such as United States or EEOC in short citations.

### Citation of Case Names

Case names are shortened to comply with the current citation format set forth in Rule 10.2 of *The Bluebook: A Uniform System of Citation*, R. 10.2, at 56–62 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000). Omit alternative

\*This citation format is reflected in OCAHO orders written after May 18, 2000. For orders written before May 18, 2000, please refer to the citation of orders format found at page ix in bound volumes one through seven. The Agency web site can be accessed at [www.usdoj.gov/eoir/](http://www.usdoj.gov/eoir/).

\*\*An agency order may not be “relied on, used, or cited as precedent by an agency against a party other than an agency” unless it has been published or “the party has actual and timely notice of the terms thereof.” 5 U.S.C. § 552(a)(2). Accordingly, if an unpublished order is cited, a copy of that order must be attached to the brief or other document in which it is cited. See *Kupferberg v. Univ. of Okla., Health Scis. Ctr.*, 4 OCAHO no. 684, 884, 887 (1994).

names given for any party, such as a trade name under which the party conducts business. Short citations follow the *Bluebook*, Rule 10.9.

## **LISTING OF PUBLISHED OCAHO DECISIONS APPEALED TO THE FEDERAL COURTS**

<b>Case Name</b>	
Acosta, Inc. v. United States 159 F.3d 1356 (5th Cir. 1998)	7 OCAHO 961 (1997) aff' d
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Alvarez v. Interstate Highway Constr. 996 F.2d 310 (10th Cir. 1993)	3 OCAHO 430 (1992) aff' d
Anderson v. Newark Pub. Sch. 276 F.3d 575 (3d Cir. 2001)	8 OCAHO 1035 (1999) petition for review filed
Banuelos v. Transp. Leasing Co. 5 F.3d 534 (9th Cir. 1993), cert. denied, 510 U.S. 1112 (1994)	1 OCAHO 255 (1990) aff' d
Charo's Corp. v. United States 108 F.3d 336 (9th Cir. 1997)	3 OCAHO 561 (1993) rev' d and remanded
Curuta v. U.S. Water Conservation Lab 19 F.3d 26 (9th Cir. 1994)	3 OCAHO 459 (1992) aff' d
Dupont Pharm. Co. v. Office of Chief Admin. Hearing Officer No. 00-3172 (3d Cir. 2000)	8 OCAHO 1041 (1999) claims dismissed
Elhaj-Chehade v. Univ. of Tex. S.W. Med. Ctr. 235 F.3d 1339 (5th Cir. 2000), cert. denied, 532 U.S. 1055 (2001)	8 OCAHO 1022 (1999) aff' d
Fakunmoju v. Claims Admin. Corp. 53 F.3d 328 (4th Cir. 1995)	4 OCAHO 624 (1994) aff' d
Fordjour v. Gen. Dynamics 959 F.2d 240 (9th Cir. 1992)	1 OCAHO 286 (1991) petition for review denied
Getahun v. Dupont Merck Pharm. 124 F.3d 591 (3d Cir. 1997)	6 OCAHO 880 (1996) rev' d and remanded
Hammoudah v. Rush-Presbyterian-St. Luke's Med. Ctr. 2 Fed.Appx. 554 (7th Cir. 2001)	8 OCAHO 1050 (2000) aff' d
Hensel v. Okla. City Veteran's Affairs Med. Ctr. 38 F.3d 505 (10th Cir. 1994), reh'g denied (1994)	3 OCAHO 532 (1993) claims dismissed
Hensel v. Univ. of Okla. Health Scis. Ctr. 38 F.3d 505 (10th Cir. 1994), reh'g denied (1994)	3 OCAHO 532 (1993) claims dismissed

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Huang v. United States Postal Serv. 962 F.2d 1 (2d Cir. 1992)	2 OCAHO 313 (1991) aff' d
Jones v. DeWitt Nursing Home No. 90-4104 (2d Cir. 1990)	1 OCAHO 189 (1990) petition for review withdrawn
Kamal-Griffin v. Cahill, Gordon & Reindel No. 93-4239 (2d Cir. 1994)	3 OCAHO 568 (1993) appeal denied
Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle 29 F.3d 621 (2d Cir. 1994)	3 OCAHO 550 (1993) appeal denied
Klimas v. Dep't of Treasury 17 F.3d 395 (9th Cir. 1994), cert. denied, 511 U.S. 1147 (1994)	3 OCAHO 419 (1992) petition for review denied
Lardy v. United Airlines No. 96-2122 (7th Cir. 1996)	6 OCAHO 843 (1996) claims dismissed
Lee v. Airtouch Communications No. 97-70124 (9th Cir. 1997)	6 OCAHO 901 (1996) claims dismissed
Naginsky v. Dep't of Def. No. 96-2138 (3d Cir. 1996)	6 OCAHO 891 (1996) claims dismissed
Ndusorouwa v. Prepared Foods 948 F.2d 781 (D.C. Cir. 1991)	1 OCAHO 192 (1990) appeal denied
Romo v. Todd Corp. 900 F.2d 164 (9th Cir. 1990)	1 OCAHO 25 (1988) aff' d
Strauss v. Rite Aid Corp. 62 F.3d 1418 (6th Cir. 1995)	4 OCAHO 721 (1994) appeal denied
Tal v. M.L. Energia, Inc. 127 F.3d 1097 (3d Cir. 1997)	4 OCAHO 705 (1994) petition for review denied
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United States v. A-Plus Roofing 981 F.2d 1257 (9th Cir. 1992)	1 OCAHO 209 (1990) aff' d
United States v. Aid Maint. Co. No. 99-1492 (1st Cir. 1999)	8 OCAHO 1023 (1999) claims dismissed

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United States v. Anchor Seafood Distrib.	5 OCAHO 758 (1995) petition for review withdrawn
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United States v. Big Bear Mkt.	1 OCAHO 48 (1989) aff' d
913 F.2d 754 (9th Cir. 1990)	
United States v. Charo's Corp.	2 OCAHO 369 (1991) rev' d and remanded
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United States v. Chaudhry	4 OCAHO 666 (1994) claims dismissed
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United States v. Collins Food Int'l	1 OCAHO 123 (1990) rev' d
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United States v. Davila	7 OCAHO 936 (1997) aff' d
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United States v. DeLeon-Valenzuela	8 OCAHO 1004 (1998) aff' d
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United States v. Fine	1 OCAHO 116 (1990) claims dismissed
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19 F.3d 620 (11th Cir. 1994)	
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United States v. Gen. Dynamics	3 OCAHO 517 (1993) petition for review denied
49 F.3d 1384 (9th Cir. 1995)	
United States v. Hudson Delivery Serv.	7 OCAHO 945 (1997) petition for review withdrawn
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United States v. Jenkins	5 OCAHO 743 (1995) aff' d
108 F.3d 195 (9th Cir. 1997)	
United States v. Kirk	1 OCAHO 72 (1989) aff' d
927 F.2d 1106 (9th Cir. 1991)	
United States v. Kumar	6 OCAHO 833 (1996) petition for reh' g denied
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United States v. Maka's Akamai Serv. 904 F.2d 1351 (9th Cir. 1990)	1 OCAHO 36 (1988) aff'd
United States v. Martinez 959 F.2d 968 (5th Cir. 1992)	2 OCAHO 360 (1991) vacated
United States v. Mesa Airlines 951 F.2d 1186 (10th Cir. 1991)	1 OCAHO 74 (1989) appeal dismissed
United States v. Mester Mfg. Co. 879 F.2d 561 (9th Cir. 1989)	1 OCAHO 18 (1988) aff'd
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United States v. Moyle 944 F.2d 909 (9th Cir. 1991)	1 OCAHO 212 (1990) aff'd
United States v. Nev. Lifestyles No. 92-70782 (9th Cir. 1992)	3 OCAHO 518 (1993) mandamus denied
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United States v. Noel Plastering & Stucco 15 F.3d 1088 (9th Cir. 1993)	3 OCAHO 427 (1992) aff'd
United States v. Noriega-Perez No. 96-70033 (9th Cir. 1996)	5 OCAHO 811 (1995) claims dismissed
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United States v. Nu Look Cleaners No. 91-5289 (11th Cir. 1991)	1 OCAHO 274 (1990) appeal dismissed
United States v. Remileh No. 95-1720 (8th Cir. 1995)	6 OCAHO 825 (1996) petition for review denied
United States v. Robison Fruit Ranch 147 F.3d 798 (9th Cir. 1998)	6 OCAHO 855 (1996) mandamus granted
United States v. Strano 98 F.3d 1353 (11th Cir. 1996), cert. denied, 521 U.S. 1103 (1997)	5 OCAHO 748 (1995) aff'd
United States v. Task Force Sec. No. 94-4084 (2d Cir. 1994)	4 OCAHO 625 (1994) claims dismissed
United States v. Velasquez-Tabir 127 F.3d 456 (5th Cir. 1997)	6 OCAHO 914 (1997) petition for reh'g denied
United States v. Villegas-Valenzuela 103 F.3d 805 (9th Cir. 1996)	5 OCAHO 784 (1995) aff'd
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United States v. Workrite Unif. Co. No. 95-70344 (9th Cir. 1995)	5 OCAHO 736 (1995) claims dismissed
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United States v. Wrangler's Country Cafe 932 F.2d 1225 (8th Cir. 1991)	1 OCAHO 191 (1990) aff' d
United States v. Zabala Vineyards No. 96-70118 (9th Cir. 1996)	6 OCAHO 830 (1995) petition for review withdrawn
Walker v. United Airlines No. 96-2508 (7th Cir. 1996)	6 OCAHO 856 (1996) claims dismissed
Wije v. Barton Springs/Edwards Aquifer C.D. 81 F.3d 155 (5th Cir. 1996)	4 OCAHO 635 (1994) aff' d
Wong-Opasi v. INS No. 00-1855 (4th Cir. 2001)	8 OCAHO 1051 (2000) claims dismissed
Wong-Opasi v. Tennessee No. 00-3323 (6th Cir. 2000)	8 OCAHO 1051 (2000) claims dismissed

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### **Case Name**

Chen v. Univ. of Toledo petition for reh'g denied No. 95-3050 (6th Cir. 1995)	OCAHO Case No. 94B00159
Horsley v. Superior Temp. Serv. petition for review denied 36 Fed. Appx. 323 (9th Cir. 2002)	OCAHO Case No. 99B00045
Jourdain v. Loew's Tower East petition for reh'g denied No. 96-4140 (2d Cir. 1996)	OCAHO Case No. 94B00182
Mac Specialties v. INS petition for review withdrawn No. 97-4369 (2d Cir. 1997)	OCAHO Case No. 96A00086
Stephens v. INS appeal dismissed No. 98-9506 (10th Cir. 1998)	OCAHO Case No. 97B00092
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<i>Toussaint v. Tekwood Assocs.</i>	6 OCAHO 892	(1996)
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